

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) Case No. 4:05CR406 HEA
)
ABDOLHOSSEIN RASTEGAR,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court defendant's Motion for Extension of Time within which to File Notice of Appeal, [Doc. No. 59]. Defendant submits this request based on the series of events which have transpired subsequent to the entry of the original judgment in this matter.

On February 14, 2006, the Court entered its original judgment. A notice of appeal was filed on February 24, 2006. Thereafter, counsel for defendant found that the judgment incorrectly stated that the conviction was entered after a guilty plea, when in reality, the matter was tried before the Court. At the request of counsel, the Court entered an Amended Judgment on May 30, 2006 which reflected that this matter had been tried.

Counsel for defendant filed another Notice of Appeal on June 16, 2006. This

notice was not timely as to the Amended Judgment, in accordance with Rule 4(b).¹

Because the original judgment was incorrect and an amended judgment was entered after the filing of the original notice of appeal and because of counsel's personal family obligations and demands, the Court finds good cause to extend the time for filing the notice of appeal from the Amended Judgment in this matter.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion for Extension of Time pursuant to Rule 4(b)(4) is granted.

IT IS FURTHER ORDERED that defendant is granted up to and including July 10, 2006 to file his Notice of Appeal.

Dated this 7th day of July, 2006.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE

¹ Procedurally, it may be that the original Notice of Appeal may serve as a Notice of Appeal as to the Amended Judgment, see Rule 4(b)(2).